

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

DANIEL DELANE COOK,	:	
	:	
Petitioner,	:	
	:	NO. 3:21-CV-00087-CDL-CHW
VS.	:	
	:	
WARDEN EDWARD PHILBIN,	:	
	:	
Respondent.	:	
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DISMISSAL ORDER

Pro se Petitioner Daniel Delane Cook filed a petition for writ of habeas corpus in the Northern District of Georgia. ECF No. 1. The action was transferred to this Court. ECF Nos. 2, 3. Petitioner did not pay the filing fee nor did he request to proceed *in forma pauperis*.

On July 28, 2021, Petitioner was ordered to amend his complaint. ECF No. 5. Petitioner was also ordered to either submit a motion to proceed *in forma pauperis* documents or pay the full filing fee. *Id.* Petitioner was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of his action. *Id.* Petitioner failed to respond.

Therefore, on August 27, 2021, the Court notified Petitioner that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply and diligently prosecute his claims. ECF No. 6. The Court unambiguously informed Petitioner that his action would be dismissed if he failed to

respond. *Id.* Petitioner was given fourteen (14) days to answer. Petitioner has again failed to respond.

Because Petitioner has failed to comply with the Court's orders or otherwise prosecute his case, his complaint is **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 20th day of **September, 2021**.

S/Clay D. Land
CLAY D. LAND., JUDGE
UNITED STATES DISTRICT COURT